

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Mortgage Banker License of:

No. 10F-BD158-SBD

3 **MOUNTAIN VIEW MORTGAGE**  
4 **COMPANY OF COLORADO (FN) DBA**  
5 **MVM FUNDING GROUP and ROWE D.**  
6 **NELSON, PRESIDENT**  
7 6585 High Street  
Las Vega, NV 89113

**ORDER OF SUMMARY SUSPENSION  
AND NOTICE OF OPPORTUNITY FOR  
HEARING**

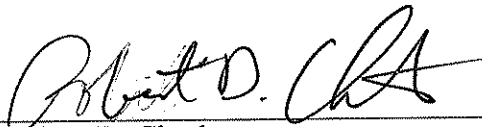
Respondents.

8 The Arizona Department of Financial Institutions (the "Department") hereby finds that  
9 Mountain View Mortgage Company of Colorado (FN) DBA MVM Funding Group and Rowe D.  
10 Nelson, President, ("Respondents") have violated the provisions of the Arizona Revised Statutes  
11 ("A.R.S."), Title 6 as set forth below and finds that the public health, safety and welfare require  
12 emergency action pursuant to A.R.S. §§ 6-945 and 41-1092.11(B).

13 **THEREFORE, IT IS ORDERED** to summarily suspend the Arizona mortgage banker  
14 license held by Respondents. **This suspension is effective immediately.**

15 EFFECTIVE this 12th day of May, 2010.

16 Lauren W. Kingry  
17 Superintendent of Financial Institutions

18 By   
19 Robert D. Charlton  
20 Assistant Superintendent of Financial Institutions  
21

22 PLEASE TAKE NOTICE that, pursuant to Titles 6 and 41 of the Arizona Revised Statutes  
23 and Title 20, Chapter 4 of the Arizona Administrative Code ("A.A.C."), Respondents are hereby  
24 notified that they are entitled to a hearing to contest the allegations set forth in this Order. The  
25 Request for Hearing shall be filed with the Arizona Department of Financial Institutions (the  
26 "Department") pursuant to A.R.S. § 6-137(D) within **thirty (30) days** of service of this Order and

1 shall identify with specificity the action or order for which review is sought in accordance with  
2 A.R.S. § 41-1092.03(B).

3 Pursuant to A.R.S. §§ 41-1092.01(D) and 41-1092.03(B), any person may appear on his or  
4 her own behalf or by counsel. If Respondents are represented by counsel, the information required  
5 by A.R.S. § 41-1092.03(B) shall be included in the Request for Hearing. Upon the filing of a  
6 Request for Hearing, the Department shall issue a Notice of Hearing scheduling the matter for  
7 hearing in accordance with A.R.S. § 41-1092.05. **Persons with disabilities may request**  
8 **reasonable accommodations such as interpreters, alternative formats, or assistance with**  
9 **physical accessibility.** Requests for special accommodations must be made as early as possible to  
10 allow time to arrange the accommodations. If accommodations are required, call the Office of  
11 Administrative Hearings at (602) 542-9826.

12 Respondents have the right to request an Informal Settlement Conference, pursuant to A.R.S.  
13 § 41-1092.06, by filing a written request no later than **twenty (20) days** before the scheduled  
14 hearing. The conference will be held within **fifteen (15) days** after receipt of your request. If an  
15 Informal Settlement Conference is requested, a person with the authority to act on behalf of the  
16 Department will be present (the "Department Representative"). Please note that in requesting an  
17 Informal Settlement Conference, Respondents waive any right to object to the participation of the  
18 Department Representative in the final administrative decision of this matter, if it is not settled. In  
19 addition, any written or oral statement made by Respondents at such informal settlement conference,  
20 including written documentation created or expressed solely for purposes of settlement negotiations,  
21 are inadmissible in any subsequent administrative hearing. (See A.R.S. § 41-1092.06 for rules  
22 regarding informal settlement conferences.) Conversely, any written or oral statement made by  
23 Respondents outside an Informal Settlement Conference is not barred from being admitted by the  
24 Department in any subsequent hearing.

25 If Respondents do not request a hearing, this Order shall become final. If Respondents  
26 request a hearing, the purpose of the hearing shall be to determine if grounds exist for: (1) the

1 issuance of an order pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the  
2 violative conduct and to take the appropriate affirmative actions, within a reasonable period of time  
3 prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts,  
4 practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-  
5 132; (3) the suspension or revocation of Respondents' license pursuant to A.R.S. § 6-945; (4) an  
6 order to pay restitution of any fees earned on loans made in violation of A.R.S. § 6-901, *et seq.*,  
7 pursuant to A.R.S. §§ 6-131(A)(3) and 6-137; and (5) an order or any other remedy necessary or  
8 proper for the enforcement of statutes and rules regulating mortgage bankers pursuant to A.R.S. §§  
9 6-123 and 6-131.

#### 10 FINDINGS

11 1. Respondent Mountain View Mortgage Company of Colorado (FN) DBA MVM  
12 Funding Group, is a Colorado Corporation authorized to transact business in Arizona as a mortgage  
13 banker, license number BK 0908428, within the meaning of A.R.S. §§ 6-941, *et seq.* The nature of  
14 Mountain View Mortgage Company of Colorado (FN) DBA MVM Funding Group's business is that  
15 of making, negotiating, or offering to make or negotiate loans secured by Arizona real property,  
16 within the meaning of A.R.S. § 6-941(5).

17 2. Pursuant to A.R.S. § 6-943(H), Respondents are required to have a surety bond in the  
18 amount set forth in A.R.S. § 6-943(H), or an alternative as set forth in A.R.S. § 6-943(K).

19 3. On April 2, 2010, the Department received a notification from Hartford Fire  
20 Insurance Company stating that Mountain View Mortgage Company of Colorado (FN) DBA MVM  
21 Funding Group's surety bond, number 83BSBEZ0923 in the amount of \$25,000.00, is to be  
22 cancelled effective May 9, 2010.

23 4. On April 6, 2010, the Department sent an email to Respondents, to the email address  
24 on record with the Department, informing them of the bond cancellation. The Department also  
25 notified Mountain View Mortgage Company of Colorado (FN) DBA MVM Funding Group of the  
26 bond cancellation via the Nationwide Mortgage License System.

5. Respondents failed to provide documentation regarding the reinstatement of their bond or documentation of a new surety bond.

6. Respondents do not have the required surety bond in order to conduct business as a mortgage banker.

7. The conduct described above constitutes an immediate threat to the public health, safety, and welfare warranting immediate suspension of Respondents' mortgage banker license.

8. The conduct described above constitutes grounds for the suspension of Respondents' mortgage banker license.

**LAW**

1. Pursuant to A.R.S. Title 6, Chapter 9, the Superintendent has the authority and duty to regulate all persons engaged in the mortgage banker business and with the enforcement of statutes, rules, and regulations relating to mortgage bankers.

2. By the conduct set forth in the Findings, Respondents have failed to maintain the surety bond required by A.R.S. § 6-943(H).

3. Pursuant to A.R.S. §§ 6-945 and 41-1092.11(B), the conduct described above constitutes an immediate threat to the public health, safety and welfare warranting immediate suspension of Respondents' mortgage banker license.

4. Respondents have not conducted business in accordance with the law and have violated Title 6, Chapter 9, which constitutes grounds for the suspension or revocation of Respondents' license pursuant to A.R.S. § 6-945(A)(7).

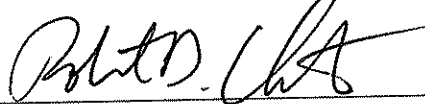
5. The violations, set forth above, constitute grounds for the pursuit of any other remedy necessary or proper for the enforcement of statutes and rules regulating mortgage bankers in Arizona pursuant to A.R.S. §§ 6-123 and 6-131.

6. Pursuant to A.R.S. § 6-132, Respondents' violation of the aforementioned statutes is grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each violation for each day.

1 WHEREFORE, if Respondents do not request a hearing to contest the above Findings or  
2 produce evidence of a valid surety bond, Respondents' license shall remain suspended unless and  
3 until reinstated or until said license expires by operation of law.

4  
5 DATED this 12th day of May, 2010.

6 Lauren W. Kingry  
Superintendent of Financial Institutions

7  
8 By   
9 Robert D. Charlton  
Assistant Superintendent of Financial Institutions

10  
11 ORIGINAL of the foregoing filed this 12th  
12 day of May, 2010, in the office of:

13 Lauren W. Kingry  
14 Superintendent of Financial Institutions  
15 Arizona Department of Financial Institutions  
16 ATTN: Susan Longo  
2910 N. 44th Street, Suite 310  
Phoenix, AZ 85018

17 COPY mailed/delivered same date to:

18 Craig A. Raby  
19 Assistant Attorney General  
20 Attorney General's Office  
1275 West Washington  
Phoenix, AZ 85007

21 Richard Fergus, Licensing Division Manager  
22 Robert D. Charlton, Assistant Superintendent  
23 Arizona Department of Financial Institutions  
24 2910 N. 44th Street, Suite 310  
Phoenix, AZ 85018

25 AND COPY MAILED SAME DATE, by  
26 Certified Mail, Return Receipt Requested to:

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Rowe D. Nelson, President  
Mountain View Mortgage Company of Colorado  
(FN) DBA MVM Funding Group  
6585 High Street  
Las Vega, NV 89113  
Respondent

CT Corporation System, Statutory Agent  
Mountain View Mortgage Company of Colorado  
(FN) DBA MVM Funding Group  
2394 E. Camelback Rd.  
Phoenix, AZ 85016

By: 